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ABSTRACT

This paper is part of a collection of 54 papers from the 48th annual conference of the Education Law Association held in November 2002. It addresses postsecondary campus safety. It discusses the changes in the concept of in loco parentis on college campuses; the Crime Awareness and Campus Security Act of 1990; and legal principles applicable to campus safety. The paper also provides brief analyses of 23 federal and state court cases related to campus safety and security issues and arrives at the following conclusions: (1) Postsecondary institutions are not normally responsible for the conduct or the safety of their students; (2) as "business invitees" to the campus, students are entitled to a reasonable duty of care from the institution; (3) when the incident that causes harm is foreseeable, the institution can be held liable; (4) employee negligence renders the institution liable for damages; (5) postsecondary institutions have a reasonable duty to protect students and employees from criminal acts; (6) the relationship between college administrators and students normally does not meet the legal definition of a "special relationship." The paper concludes with a list of 11 recommendations to help ensure safety on college and university campuses. (Contains 15 references.) (WFA)

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Safety on Campus: Whose Responsibility?

Robert C. Cloud

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SAFETY ON CAMPUS: WHOSE RESPONSIBILITY?

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Safety on Campus: Whose Responsibility?

Introduction

The term *safety* is defined as freedom from the occurrence or risk of injury, danger, or loss (Webster's Dictionary, 1989). Freedom from unreasonable danger, injury, or threat to life is perhaps the most basic of rights in a civilized society. Indeed, the Founding Fathers described the right to life as an inalienable right in the Declaration of Independence:

We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

It was no accident that the authors of the Declaration listed the right to life before the companion rights to liberty and the pursuit of happiness. Individuals who fear for their personal safety are not truly liberated to seek happiness and success. In the absence of personal safety, the inalienable rights that were first asserted in the Declaration, and then guaranteed by the Constitution, seem to lose much of their importance. The Founding Fathers recognized this fact and charged the government with responsibility for securing the lives (i.e., the safety) of all citizens.

In light of events since September 11, 2001, many Americans are currently concerned about their personal safety and the security of the nation. That concern extends to college and university campuses because the very nature of post secondary institutions makes them potentially unsafe places. Millions of students congregate on

American campuses daily (13.4 million undergraduates and 2.1 million graduate students during the fall semester 2002, American Council on Education data, August 2002). Some are away from home and without parental supervision for the first time in their lives. Consequently, campuses can attract unsavory characters with criminal intent who prey on the naivete and/or vulnerability of students and employees.

Post secondary institutions have to be free and open places if they are to maximize services to students. Indeed, one hallmark of quality higher education institutions is *accessibility*—*access* to outstanding faculty; *access* to ideas, concepts, and information; *access* to services and facilities; *access* to diversity; *access* to recreational and athletic programs; and *access* to a wide range of leadership opportunities. Colleges and universities provide this access in multiple sites at virtually all hours. Students, faculty, and staff are entering and exiting the campus on a continuing basis. From a practical standpoint, it is very difficult to monitor (much less control) all of this activity by students and employees on a given campus. Ensuring personal safety and protecting property is a real challenge in this setting. Ironically, the more accessible and efficient a campus becomes in delivering services to students, the greater the potential threat to the safety and security of the campus community. The potential for criminal activity on the campus—including burglary, robbery, assault, rape, and murder—is obvious. All of this makes safety a priority for every college and university administration and governing board in the United States.

The Demise of *In Loco Parentis*

In loco parentis may be defined as *in place of the parent; instead of the parent; or charged with the rights, duties, and responsibilities of the parent* (Black, 1990). There was a time, of course, when educators at all levels acted *in loco parentis*, particularly in the public schools. For a long time, federal courts also permitted (even encouraged) colleges and universities to act *in loco parentis* (*Gott v. Berea College*, 1913). Higher education administrators were allowed to impose strict regulations on the behavior of *adult students*. Many chose to do so. Consequently, a *special relationship* developed between post secondary institutions and students that imposed a duty on the institution to control conduct and, reciprocally, gave to students certain expectations of protection and personal safety (Restatement (Second) of Torts, Section 315, 1977). Higher education reflected this paternalistic approach for many years, but all of that has changed.

In loco parentis in post secondary education began a gradual, but steady, decline after World War II for a number of reasons including the Servicemen's Readjustment Act of 1944 and the campus upheavals of the 1960s. With the assistance of the Servicemen's Readjustment Act (also known as the G.I. Bill), 2.2 million veterans returned from the war to enroll in colleges and universities (Stark and Latucca, 58-59). Although some of those veterans were not yet 21 years of age when they enrolled, they had earned the right to be treated as adults at Iwo Jima, the Battle of the Bulge, Omaha Beach, and so many other places. They had grown up quickly; they could take care of themselves; and they demanded the right to determine their own lifestyles. In light of the post-war "invasion" of higher education by the G.I.s, *in loco parentis* had to be re-assessed. The campus revolution of the 1960s also weakened the foundation of *in loco parentis*. Students

rebelled against the federal government's policy on the Vietnam War and the oppressive policies on many campuses. In general, the student activists succeeded in acquiring a new legal status for all post secondary students. As a result, college students are no longer treated as minors; they are considered to be adults with privacy and due process rights. Under institutional policy and the law, students are now guaranteed substantive and procedural due process in disciplinary matters that may result in suspension or expulsion.

The United States Supreme Court's decision in *Tinker v. Des Moines Independent Community School District et al.* was a third factor contributing to the demise of *in loco parentis*. *Tinker* was considered during the Vietnam War. The petitioners included three students who were sent home from public school and ultimately suspended until they removed black arm bands being worn to protest government policy on the war. School officials maintained that the arm bands were distracting and causing disruption in the school. However, testimony in the case revealed that the students were polite and compliant when wearing the arm bands; they were not disruptive or disrespectful; and they did not attempt to recruit other students to join their cause. No acts of disruption or violence could be attributed to the arm bands. In light of the facts, the Supreme Court concluded that wearing the arm bands was a symbolic form of free speech, protected by both the Free Speech Clause of the First Amendment and the Due Process Clause of the Fourteenth Amendment. After *Tinker*, students could not be denied their rights to free speech and association without good cause and appropriate due process.

In an effort to guide school officials in future attempts to regulate student speech, the Supreme Court developed a test to clarify the constitutionality of proposed

administrative actions. According to the "*Tinker* test," restrictions on speech are constitutional only if officials can demonstrate that the conduct "materially and substantially interferes with the requirements of appropriate discipline in the school" (*Tinker v. Des Moines Independent Community School District et al.*, 509). In the absence of such proof, school officials may not restrict the free speech or other constitutional rights of students. In other words, public school students have the same constitutional rights as all other citizens subject only to the "special characteristics" of the school referred to by Justice Fortas in the opinion (*Tinker*, 506). The *Tinker* decision changed traditional school disciplinary procedures significantly because school officials no longer act *in loco parentis* except under very limited circumstances.

Although the *Tinker* ruling has been modified by two subsequent Supreme Court decisions in *Bethel School District No. 403 v. Fraser* and *Hazelwood School District v. Kuhlmeier*, neither of the decisions reversed *Tinker* nor signaled a return to *in loco parentis*. See legal notes on *Bethel* and *Hazelwood* in the cases-sited section. Students at all levels retain their rights to free speech, due process, and equal protection under the law, subject only to the special characteristics of the schools. The *Tinker* decision established once and for all that school officials do not exercise absolute authority over their students. In light of that fact, it seems reasonable (and fair) that schools and colleges are not normally responsible *for the unforeseeable behavior or the safety of their students*.

The Crime Awareness and Campus Security Act of 1990

On November 8, 1990, Congress enacted The Crime Awareness and Campus Security Act in response to increasing concern about crime on college and university campuses. Also known as "The Clery Disclosure Act" in memory of Jeanne Ann Clery who was murdered on the Lehigh University campus in 1986, the 1990 Act amended Section 485 of the Higher Education Act of 1965. In researching the issue of campus safety prior to passage of the 1990 Act, Congress found that students and their parents did not have access to current information about campus crime. Indeed, no one had access to such information including the federal government, law enforcement agencies, and higher education administrators. The reason was simple; there was no national clearinghouse for the compilation and dissemination of campus crime statistics. Only 352 of approximately 8000 post secondary institutions voluntarily provided campus crime statistics through the Uniform Crime Report (UCR) of the Federal Bureau of Investigation (Finding section of the Crime Awareness and Campus Security Act, 1990). The entire structure for reporting and responding to campus crime seemed primitive when compared with other institutional services to students and the federal government.

The Crime Awareness and Campus Security Act currently requires higher education institutions to report crime in eight specific areas and to document the number of student arrests and disciplinary actions related to liquor law violations, drug-related offenses, and weapons possession. The latter reporting requirement was added recently because of Congressional findings that approximately 90% of student crimes occur while

the perpetrator is under the influence. The 1998 Amendments to the Higher Education Act also require colleges and universities to report hate crimes in which the victim was intentionally selected because of his or her actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability. Federal regulations regarding the disclosure of campus crime statistics are codified in 34 C.F.R. 668.46. Current information on post secondary campus crime is available in the Department of Education's annual reports to Congress and online via the Department's Web site at <http://www.ope.ed.gov/security>.

Analysis of Case Law re. Campus Safety

The author analyzed 23 federal and state cases that relate to campus safety and security issues. Those cases are listed along with legal notes at the end of this manuscript. The legal principles considered in the cases are discussed in the following section.

Legal Principles Germane to Campus Safety

Courts now consider several legal principles as they deliberate campus safety and security cases. Each principle serves as a benchmark for assessing institutional efforts to protect the rights and safety of students and staff. When considered collectively by the court, these principles provide a legal framework that can be used to judge whether a student plaintiff received the protection to which he or she was entitled under policy and the law. If the court decides that the answer to the question is yes, then the institution

will be cleared and the case dismissed. If the answer is no, then the plaintiff prevails, and he or she may be entitled to damages from the institution for its failure to provide a reasonably safe environment. In deliberating a given case, the court may consider any one or all of the following principles:

- *business invitee* - one who is invited to premises for transacting business and to whom a duty of care is owed. One who goes on another's premises for transacting business and to whom a duty of care is owed. One who goes on another's premises at express or implied invitation of the owner for benefit of the invited or for the mutual benefit and advantage of both invited and invitee. *A student attending a college or university has the legal status of a business invitee. Stanton et al. v. University of Maine System, 773 A. 2d 1045, 1046 (Me. 2001)*
- *duty to act* - obligation to take some action to prevent harm to another and for failure of which there may or may not be liability in tort depending upon the circumstances and the relationship of the parties to each other (e.g., duty to warn).
- *duty of care* (a.k.a. due care) - that degree of care that a reasonable person can be expected to exercise to avoid harm reasonably foreseeable if such care is not taken.
- *foreseeability* - the ability to see or know in advance; e.g., the reasonable anticipation that harm or injury is a likely result from certain acts or omissions. In tort law, the foreseeability element of proximate cause is established by proof that the actor (administrator) as a person of normal intelligence and prudence should have anticipated danger to others resulting from his negligent act (often an act of omission rather than commission). The term "foreseeability" refers to *that which is reasonable to expect, not merely what might conceivably happen.*
- *implied contract* - An implied contract is one not created by implicit agreement of the parties, but inferred by the law as a matter of reason and justice. An implied contract is an agreement that can be inferred from intention of the parties and the ordinary course of human interaction and the common understanding of men.
- *negligence* - Negligence is the failure to use such care as a reasonably prudent and careful person would use under similar circumstances. Negligent conduct falls below the standard established by law for the protection of others against unreasonable risk of harm; it is a departure from behavior expected of a

prudent person under like circumstances. The doctrine of negligence rests on the duty of every person to exercise due care in his conduct towards others from which injury may result.

- *probable cause* - reasonable cause; having more evidence for than against. A reasonable ground for belief in certain alleged facts.
- *proximate cause* - That which, in a natural and continuous sequence, unbroken by any intervening cause, produces injury, and without which the result would not have occurred. The last negligent act contributory to an injury, the dominant, moving, or producing cause of injury or death.
- *reasonable duty to protect* - the responsibility of colleges and universities to protect students, faculty, and staff against danger, especially criminal acts by other students and non-students. Reasonable duty encompasses responsibility and accountability but not always legal liability. Plaintiffs in these cases usually assert negligence by the institution in not providing reasonable protection. Defendants usually claim that the criminal actions leading to injury or death were not foreseeable. Courts approach reasonable duty cases with caution because of the difficulty in determining responsibility.
- *special relationship* - a relationship between the actor and another party which imposes a duty upon the actor to control the other person's conduct; or a relationship between the actor and the other person which gives to the other a right of protection. It is the latter of these two possibilities that arises most often in testimony about campus safety breaches. When avoidance of foreseeable harm requires the defendant to control the conduct of the perpetrator, or to warn the potential victim(s) of dangerous conduct, the law imposes liability only if the defendant bears a special relationship to the dangerous person or to the potential victim(s). The relationship between a psychiatrist and his potentially violent patient is an example of such a relationship. The relationship between college administrators and students normally does not meet the legal requirements of a "special relationship" (Black, 1990).

It is imperative that administrators base pertinent policies and procedures on the aforementioned principles for at least two reasons. First and foremost, adherence to the spirit of the principles leads to a safer, more secure campus for students and staff. Second, good-faith compliance with the principles can mitigate damage claims against the institution in the event of a tragedy on campus and subsequent litigation that ends

with an unfavorable ruling by the court. In summary, basing safety policies and procedures on these ten legal principles is the moral thing to do; it is also the prudent action to take.

Summary

Personal safety is the most basic of rights extended to American citizens, a fact acknowledged in the Declaration of Independence. In light of the terrorist attacks in the United States on September 11, 2001, and continuing threats at home and abroad, many Americans are concerned about their safety and the security of the nation. That concern extends to college and university campuses where millions of students congregate daily. The very nature of post secondary institutions makes them potentially unsafe places. In order to carry out their missions, college campuses have to be open and easily accessible. Administrators and faculty no longer function *in loco parentis* and have little control over the conduct and lifestyle of students. These realities can make campuses vulnerable to crime and place unwary students at peril.

In response to an increasing focus on the importance of campus safety, Congress passed the Crime Awareness and Campus Security Act of 1990 that requires post secondary institutions to prepare and submit annual crime reports to the Department of Education and other constituents. Crime statistics compiled since 1992 indicate that campuses are relatively safe places. Although non-violent crimes like burglary and motor vehicle theft are fairly common on campuses, students on campus are much less likely to become victims of violent crimes than are persons in the general population.

Based on this review of post secondary campus safety, the following conclusions are warranted:

- With the demise of *in loco parentis*, post secondary institutions are not normally responsible for the conduct or the safety of their students.
- As "business invitees" to the campus, students are entitled to a reasonable duty of care from the institution.
- When the incident that causes harm is foreseeable, the institution can be held liable.
- Employee negligence renders the institution liable for damages.
- Post secondary institutions have a reasonable duty to protect students and employees from the criminal acts of other students and non-students.
- The relationship between college administrators and students normally does not meet the legal definition of a "special relationship."
- *Post secondary institutions are not insurers of the safety of their students; therefore, plaintiffs in safety cases must demonstrate that the institution's failure to provide reasonable care was a proximate cause of their injury (Bradshaw v. Rawlings et al., 612 F. 2d 135 (1979)).*

"The campus crime statistics collected by the U.S. Department of Education [during the previous reporting period] suggest that our nation's college campuses are safe. In nearly every category of crime for which data were collected, college campuses showed lower incidence of crime than comparable data for the nation as a whole."

The Incidence of Crime on the Campuses of U.S. Post Secondary Education Institutions: A Report to Congress. United States Department of Education, Office of Post Secondary Education, January 18, 2001.

Recommendations

The following recommendations are offered to assist administrators and board members in their continuing efforts to ensure safety on college and university campuses:

- Make personal safety a priority at the institution. Educate all students on ways to protect themselves.
- Base safety policies and procedures on the ten legal principles reviewed in this paper. Courts use these principles as benchmarks as they deliberate the facts in campus safety cases.

- Demonstrate a good faith effort to secure the campus through the following: physical barriers, alarm systems, panic buttons, campus call boxes, ample and bright lighting, restricted access to parking lots, video surveillance, and increased police patrols.
- Contract with a risk management consultant to perform a comprehensive safety assessment and develop a campus safety plan based on the assessment. The institution's major insurance carrier may be willing (eager) to support this effort. Incorporate the safety plan into the long-range facilities plan.
- Require architects and engineers to consider personal safety in the planning process for all future construction projects.
- Facilitate improved cooperation between campus police and local law enforcement agencies.
- Include safety seminars in required staff development activities.
- Enlist the support of student government and other leadership organizations in promoting a safe and secure learning environment.
- Develop anti-hazing policies or reiterate those that already exist. Ask fraternities and sororities to help eliminate hazing. Reward them for doing so.
- Appoint a campus safety committee composed of students, faculty, administrators, staff, and at least one risk manager or safety consultant.
- Finally, prepare for the unexpected and unthinkable; appoint a Crisis Management Team and develop a Crisis Management Plan. Hope for the best but prepare for the worst. In the end, that may be the best way to protect the institution from liability if there is a tragedy on the campus.

References

1. American Council on Education, telephone conversation with Timothy J. McDonough, Director of Public Affairs, on August 12, 2002.
2. Black, Henry Campbell. *Black's Law Dictionary*. St. Paul: West Publishing Company, 1990.
3. 34 C.F.R. Section 668.46.
4. The Constitution of the United States of America.
5. The Crime Awareness and Campus Security Act of 1990 (also known as the Clery Disclosure Act). 20 U.S.C. 1001, P.L. 101-542.
6. The Declaration of Independence.

7. The Family Educational Rights and Privacy Act. 20 U.S.C. 1232g.
8. The Higher Education Act of 1965, Section 485, 20 U.S.C. 1092.
9. The Higher Education Amendments of 1998.
10. Kern Alexander and M. David Alexander. *American Public School Law*. Stanford, CT: Wadsworth/Thomson Learning, Fifth Edition, 2001.
11. Restatement (Second) of Torts, Section 302 B (1965).
12. Restatement (Second) of Torts, Section 315 (1977).
13. Servicemen's Readjustment Act of 1944.
14. Joan S. Stark and Lisa R. Lattuca. *Shaping the College Curriculum: Academic Plans in Action*. Boston: Allyn and Bacon, 1997.
15. *Webster's Encyclopedic Unabridged Dictionary of the English Language*. New York: Gramercy Books, 1989.

Cases Cited

1. *Gott v. Berea College*, 161 S. W. 204, 206 (Ky. 1913). College authorities stand *in loco parentis* concerning the physical and moral welfare and mental training of the [students]. We are unable to see why, to that end, they may not make any rule or regulation for the government or betterment of their [students] that a parent could for the same purpose. Whether the rules or regulations are wise or their aims [are] worthy is a matter left solely to the discretion of the authorities or parents, as the case may be. *In the exercise of that discretion, the courts are not disposed to interfere, unless the rules and aims are unlawful or against public policy.*
2. *Tinker v. Des Moines Independent Community School District et al.*, 393 U.S. 503 (1969). A prohibition against expression of opinion, without any evidence that the rule is necessary to avoid substantial interference with school discipline or the rights of others, is not permissible under the First and Fourteenth Amendments.
3. *Bethel School District No. 403 v. Fraser*, 478 U.S. 675 (1986). Surely, it is a highly appropriate function of public school education to prohibit the use of vulgar and offensive terms in public discourse.

4. *Hazelwood School District v. Kuhlmeier*, 484 U.S. 260 (1988). Educators do not violate students' First Amendment rights by exercising editorial control over school-sponsored newspapers as long as there is a legitimate pedagogical reason to prohibit such expression. Should a school have legitimate concerns about student speech in a newspaper, it is not obligated to provide resources to fund that speech. Freedom of speech in student newspapers is not governed by the "material and substantial disruption" standard espoused in *Tinker*.

5. *Schultz v. Gould Academy*, 332 A. 2d 368 (Me. 1975). The night watchman at the boarding school, who had good reason to believe that a male intruder had entered the girls' dormitory, could not be faulted for not searching the upper floors because he was not permitted to enter that area. However, under the circumstances, he should have alerted officials who were authorized to search the dormitory before leaving the site to continue his rounds. His failure to do so was a proximate cause of the plaintiff's injuries and subjected his employer to liability for damages.

6. *Bradshaw v. Rawlings et al.*, 612 F. 2d 135 (1979). The modern American college is not an insurer of the safety of its students. Whatever may have been its responsibility in an earlier era, the authoritarian role of today's college administrations has been notably diluted in recent decades. Trustees, administrators, and faculties have been required to yield to the expanding rights of their students. Rights formerly possessed by college administrators have been transferred to students. College students are no longer minors; they are regarded as adults in virtually every phase of academic and public life.

7. *Mullins v. Pine Manor College et al.*, 449 N.E. 2d 331 (Mass. 1983). Colleges generally undertake *voluntarily* to provide their students with protection from the criminal acts of third parties. Pine Manor undertook such a duty, and this undertaking was not gratuitous. Students were charged for the service either through their tuition or a dormitory fee. Reasonable security is an indispensable part of the *bundle of services* which all colleges, including Pine Manor, provide their students.

8. *Eiseman v. State of New York*, 511 N.E. 2d 1128 (N.Y. 1987). The university did not breach its statutory duty when it accepted a convicted felon into a rehabilitation program for the disadvantaged. The felon had a long history of drug abuse and mental instability. Subsequently, he raped and murdered one student and stabbed a non-student. The court ruled that the felon's release to participate in the rehabilitation program was a discretionary function within the state's absolute immunity.

9. *Brown v. Florida State Board of Regents*, 513 So. 2d 184 (Fla. App. 1 Dist. 1987). The wrongful death claim filed by the representatives of a deceased university student was not barred by sovereign immunity; once the board of regents assumed responsibility for operating the lake facility and distributing recreational equipment, the board could no longer claim immunity.

10. *Furek v. The University of Delaware*, Del. Supr., 594 A. 2d 506, 507 (1991). Although the university no longer stands *in loco parentis* to its students, it has a duty to regulate and supervise foreseeably dangerous activities on its premises; that duty extends to negligent or intentional activities of third parties that harm others (e.g., the conduct of fraternity members during initiation ceremonies).

11. *Nero v. Kansas State University*, 861 P. 2d 768 (Kan. 1993). Foreseeability is the main factor that courts consider when assessing reasonable duty. Other factors include moral blame, preventing future harm, and burden on the university and larger community.

12. *Kleinknecht v. Gettysburg College, a corporation*, 989 F. 2d 1360 (3rd Cir. 1993). Gettysburg College owed Drew R. Kleinknecht, a student lacrosse player, a duty of care under Pennsylvania law because of the special relationship between the college and its student athletes. Kleinknecht had been recruited as an intercollegiate athlete to represent the institution in athletic competition.

13. *Johnson v. State of Washington*, 894 P. 2d 1366 (Wash. App. Div. 1 1995). State university student who was raped near her dormitory was entitled to status as a business invitee; thus, the university had a duty to use reasonable care for her safety. In negligence action, a criminal act by a third party is not an *intervening cause* for exoneration if it was reasonably foreseeable. In tort law, an intervening cause is an act of an independent agent that destroys the causal connection between the defendant's negligent act and the plaintiff's injury. The intervening act becomes the immediate (proximate) cause of injury. Consequently, damages are not recoverable from the defendant because the original wrongful act is not the proximate cause of injury.

14. *Gross v. Family Services Agency, Inc.*, 716 So. 2d 337 (Fla. App. 4 Dist. 1998). Student who was sexually assaulted while attending a mandatory internship stated a valid cause of action in negligence against the university. Facts in the case demonstrated that university officials assigned her, without warning, to an internship site that they knew was unreasonably dangerous and presented unreasonable risk of harm.

15. *Robertson v. State Department of Planning and Control*, 747 So. 2d 1276 (La. App. 2 Cir. 1999). University's duty to provide a safe campus did not extend to protecting a student from his deliberate act of recklessness in climbing on the roof of the campus natatorium. Any prudent person would recognize that climbing on the roof posed an unreasonable danger and was an unlawful trespass.

16. *Posecai v. Wal-Mart Stores, Inc.*, 752 So. 2d 762 (La. 1999). There is generally no duty to protect others from the criminal activities of third parties. Plaintiff has the burden of establishing the duty that a business owed to protect its customers from criminal acts of third parties under the circumstances. In determining whether a business owes a duty of care to its customers, the most important factor to be considered is the existence,

frequency, and similarity of prior incidents on the premises, but the location and condition of the property should also be taken into consideration.

17. *Coughlan v. Beta Theta Pi Fraternity*, 987 P. 2d 300 (Idaho 1999). Plaintiff was a college sorority member who was injured when she fell from the fire escape of the sorority house while intoxicated. Under provision of the Dram Shop Act, she was barred from recovery against the fraternities and sororities that had provided the alcohol for her. Dram Shop liability applies to licensed vendors that sell alcohol to consumers who then commit torts while intoxicated.

18. *Apffel et al. v. Huddleston et al.*, 50 F. Supp. 2d 1129 (D. Utah 1999). College officials did not owe a duty of care to a freshman to protect him from the inherent danger of climbing sandstone cliffs; consequently, they could not be held liable for the student's death resulting from his fall. The college did not violate Apffel's Fourteenth Amendment rights by planning the freshman party in a state park near the cliffs.

19. *Nannay v. Rowan College et al.*, 101 F. Supp. 2d 272 (D. N. J. 2000). State college dean's offer of emergency housing to adult student who had been abused by her boyfriend, and college radio station manager's offer of help, did not create a state duty to protect the student; the state did not restrict student's freedom or access to sources of help. Neither the officials' conduct nor the allegedly lax campus security exacerbated the danger. Officials' actions were objectively reasonable, and thus the officials enjoyed qualified immunity in the Section 1983 action.

20. *Stanton et al. v. University of Maine System*, 773 A. 2d 1045 (Me. 2001). The owner of premises owes a legal duty to his business invitees to protect them from those dangers reasonably to be foreseen. A student attending an educational institution has the legal status of a business invitee.

21. *Williams v. State of Louisiana*, 786 So. 2d 927 (La. App. 2 Cir. 2001). A university has a duty to implement reasonable measures to protect its students in dormitories from criminal acts when those acts are foreseeable. The university can be found negligent if it knew or should have known that instances of violence were likely to occur on campus and yet it took no preventive actions to protect students and staff.

22. *Baldwin v. Zoraldi*, App., 176 Cal. Reporter 809. A state statute prohibiting consumption of alcoholic beverages on campus property does not impose upon the university a duty to enforce the law.

23. *Relyea v. State of Florida et al. and Mahnke v. State of Florida et al.*, Fla. App., 385 So. 2d 1378. As a basic principle of law, a property owner has no duty to protect one on his premises from criminal attack by a third person. Even though one's negligence may be a cause in fact of another's injury, he will not be held liable if an intervening and unforeseeable criminal act also causes the injury.



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